

REMARKS

Applicant's attorney wishes to thank the examiner charged with the responsibility for this application and her supervisor for the courtesies extended during an interview on October 16, 1997. As promised amendments to claims 1 and 14 have been amended.

The objection to the drawing is not understood. It is presumed that the examiner's observation relates to Claim 1, which has been amended to clarify its meaning, so hopefully the misunderstanding will be overcome. Please refer to page 7 and the sentence beginning in line 21. What we are saying is the wall section 60 has an inturned section 62 which, together with the hood flange - (an upper part of the passenger side of the hood), defines the choke 64. The inturned part is closer to the hood sidewall 28 than other portions of the wall 60 and this feature is clearly shown in Figure 3.

While applicant's attorney believes his use of the word "its" at the locations objected to by the examiner are perfectly good and fully understandable English, the word has been deleted each occurrence and an appropriate word substituted for "it" at each occurrence, such that the §112 rejections of Claims 3 - 8 inclusive have been overcome.

The rejections of Claims 1 and 3 - 6 on Shearn in view of Petersen is respectfully traversed. The item 34 of Shearn which the examiner identifies as a "choke", is a baffle serving, according to the patentee's teaching in column 3 commencing in line 3, as an air equalizer baffle. This baffle directs air and minimizes the amount of air the engine air intake draws away from the cab. Further, we are told the baffle serves to direct engine noise away from the cab air intake. Indeed, in the abstract the baffle is referred to as a noise suppression baffle.

How a noise suppression baffle can conceivably be deemed a choke, especially in light of the specific terminology of applicant's claims, is simply not understood. A choke is something which restricts air flow. In the present environment, the applicant's choke is clearly defined as a "constriction or choke for air flowing from the plenum downstream". This definition is found in the sentence on page 7 we previously referenced. In the third paragraph, in the

section on operation appearing on page 8, it is clearly explained that as air flows upwardly through the choke 64 the air velocity increases and through the earlier described phenomena remaining entrained water tends to drain out as indicated by the droplets in the choke in Figure 3. Shearn's noise suppression baffle 34 cannot possibly be said to suggest applicant's specifically claimed choke and that choke is clearly presented in Claims 1 and 14, the only independent claims upon which the examiner has taken action.

With respect to the modification of Shearn by Petersen, we fail to find a perimetral (we presume "parametrial" is a typographical error) section around his flange. The flange 20 starts at the perimetral extremity of the screen 22 of Petersen et al. We do not understand the examiner's observation about baffles 34 in that the element 34 is an annular seal.

In any event, We fail to see where Petersen et al. adds anything with respect to a rejection of Claim 1 and suggests that for the reasons we have mentioned and others that will be obvious on reviewing dependent Claims 3 - 6, the patent clearly does not teach the specifically claimed features of the grating.

With respect to the rejection of Claims 14 and 19 - 21 we also fail to see how Petersen et al. teach self securing gratings given that they use fasteners 38 to secure the screen 22 in place.

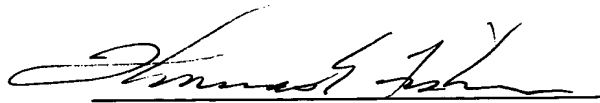
New Claims 25 - 30 are respectively patterned very closely after Claims 2, 18, 19, 20 and 22, all of which have been indicated to contain allowable subject matter.

The application is in condition for allowance since the claims are distinguishable one from another, from the prior art and any reasonable combination of the art.

Reconsideration and a prompt Notice of Allowance are respectfully requested.

10/27/97
Dated

Respectfully submitted,


Thomas E. Fisher
Reg. No. 18,271